

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES R. FENTON,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 19-1692-RGA
	:
DAVID HENDERSON,	:
Delaware Board Of Parole,	:
	:
Defendant.	:

MEMORANDUM

1. Plaintiff James R. Fenton, an inmate at James T. Vaughn Correctional Center in Smyrna, Delaware, filed this action pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12132, *et seq.*, alleging disability discrimination during the parole process. (D.I. 1). He appears *pro se*. Before the Court are several motions filed by Plaintiff. (D.I. 43, 44, 47, 48, 56).

2. **Motion to Amend First Set of Interrogatories.** Plaintiff's motion to amend his interrogatories to add Interrogatory No. 24 will be granted. (D.I. 43). Defendant shall respond to Interrogatory pursuant to the Federal Rules of Civil Procedure.

3. **Request for Entry of Default and Amended Request for Default and Default Judgment.** Plaintiff's requests for entry of default and default judgment will be denied. (D.I. 44, 47). Defendant answered Plaintiff's Complaint on August 24, 2021. Entry of default and default judgment are not appropriate. See Fed. R. Civ. P. 55.

4. **Motion to Compel.** Plaintiff's motion to compel will be denied. (D.I. 48). Plaintiff seeks responses to discovery that were due by the discovery deadline of

December 27, 2021. The Court docket reflects that Plaintiff filed discovery requests on September 18, 2020 before Defendant was served and before counsel appeared on behalf of Defendant. (D.I. 15, 16, 25). There is no indication that Plaintiff served Defendant with discovery pursuant to the Federal Rules of Civil Procedure, that is, after Defendant was served in January 2021. (D.I. 25). In light of Plaintiff's *pro se* status, he will be given 30 days to serve discovery requests upon Defendant. In addition, the parties may amend the pending motion for summary judgment and related briefing should discovery produced make it necessary. (See D.I. 53, 54, 55, 57). Plaintiff's motion to strike (D.I. 56) will be ruled on after discovery is complete and the parties file supplements to the motion for summary judgment and opposition, if any.

4. **Conclusion.** Based upon the above discussion, the Court will: (1) grant Plaintiff's motion to amend his interrogatories to add Interrogatory No. 24 (D.I. 43); (2) deny Plaintiff's request for entry of default and amended request for default and default judgment (D.I. 44, 47); (3) deny Plaintiff's motion to compel (D.I. 48); (4) give Plaintiff additional time to serve discovery requests upon Defendant; and (5) give the parties leave to file supplements to the motion for summary judgment and opposition should they deem it necessary. A separate order shall issue.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE

June 21, 2022
Wilmington, Delaware